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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,835	04/21/2004	Jilene A. Repp	074313-0116	5316
26371	7590	08/07/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			JOHNSON, BLAIR M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,835

Applicant(s)

REPP ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-50 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

Claims 1,2,6-10,12,38-40 and 44-50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Niemi.

In certain claims, elements 10 and 12 are the face and return sections while in other claims elements 13 and 14 represent these elements. Each of these elements are considered to be “substantially” rigid and some meet the limitation of a “accessory panel”, each of which has “segments”, or portions. Accessory panel 12 has two sections. The “retainer” is either the channel in element 10 or element 13. A flexible covering directly covers both sections 13 and 14 (see Fig. 6) and also covers sections 10 and 12 since elements 13 and 14 cover these elements. Each of the respective sets of elements have connectors at their ends for connection. The terms “front” and “back” referencing the sides of the face section are broad and what may be the front in the present invention may be considered the back in Niemi. Consequently, the slots 52a may be considered to be on the “front”. Face section 10 has two sections joined by a connector forming interlocking “substantially cylindrical” channels. See tabs 22, separate pieces 32,22, that define a gap therebetween.

Claims 1,2,4 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Badalamenti.

The rod and the foam member are considered to be rigid face section, etc. One return member is the accessory panel.

Claims 13 and 21-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smiley et al.

Smiley et al discloses elongate members that are connected end to end and which have an opening on the rear. See returns 106,108, and accessory panels 80. The cover is not being claimed in claim 13. The "decorative panel" may be any element, such as 26. See the flap which is the upper or lower lips on 104. See tabs 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Badalamenti.

Badalamenti provides a cornice that has slots in the "front" and "back" sides. It would have been obvious to provide slots in the outwardly facing side of element 13 in Niemi so as to provide a different appearance.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Badalamenti and further in view of Hatziathanasiou.

The use of a T-shaped connector is well known, as illustrated by Hatziathanasiou at 61. In view of this teaching, it would have been obvious to modify Niemi whereby his fasteners 79 are of such a shape so as to be more easily inserted and removed.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badalamenti in view of Niemi.

Niemi discloses a “snap” connection between elements 18a,22b. While it appears that Badalamenti clearly teaches such a connection, it would have been obvious to further modify Badalamenti to have such a snap connection so as to provide a more secure connection.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badalamenti in view of Smiley et al.

It would have been obvious to adjust the length of Badalamenti as suggested by Smiley et al so as to make the cornice adjustable.

Claims 14-19 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smiley et al in view of Niemi.

Niemi discloses attaching a fabric over the cornice by way of deformable elements in recesses in the rear surface of the elongate member. It would have been obvious to modify the fabric attachment means of Smiley et al to have such an improved attachment means so as to provide linear support for the fabric. Regarding claim 26, see accessory panel 26. See “snap” fit element 10.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smiley et al in view of Niemi and further in view of Hatziathanasiou.

The use of a T-shaped connector is well known, as illustrated by Hatziathanasiou at 61. In view of this teaching, it would have been obvious to modify Niemi whereby his fasteners 79 are of such a shape so as to be more easily inserted and removed.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. New rejections have added to certain previous rejections. The claims are broad, as reflected in the action above. The term "integral" simply means two or more elements that are in contact and not what Applicant has implied. The reading of the slot in claim 1 is discussed above. All other arguments are moot in light of the new grounds of rejection entered above.

Conclusion

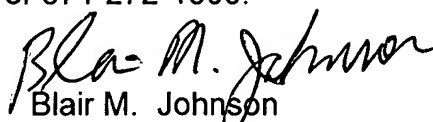
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
7/27/06